

67,008-078
S-5690**REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks and the allowability of claims 5-8, 10-13, and 14-17. Claim 1 has been amended to include allowable claim 5 and the intervening claims. Claims 4 and 5 have been canceled. New Claim 18 is allowable claim 10 in independent form. Accordingly, claims 9-17 are pending.

Claims 1-17 were rejected under 35 U.S.C. §112. Applicant respectfully submits that the claims as amended are in proper condition according to §112.

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Toulmay* (6530542) in view of *Poccard* (4715567). Applicant respectfully traverses these rejections as there is absolutely no teaching, suggestion, or motivation to modify *Toulmay* in view of *Poccard* as proposed. *Toulmay* discloses that "each blade (5.i) of the wing comprises a plurality of flaps (6.i) which are able to control the pitch of said blade and are aligned along the span of the latter, said flaps being *individually controlled* in orientation from a flight control device (17)." [Abstract; emphasis added] That is, it is a main feature of the *Toulmay* patent that flaps are *individually controlled* in orientation. *Poccard* discloses a system that "includes a mechanical coupling which connects the two flaps together and which is intended to ensure synchronized operation thereof." [Abstract] It is improper to modify the base reference in such a way that it ruins the goal or function of the base reference. The Examiner's proposed modification of the mechanical coupling from *Poccard* with the flaps of *Toulmay* would ruin the goal and function of *individual control*. The claims are properly allowable.

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yamakawa* (5639215) in view of *Poccard* (4715567). *Yamakawa*, in FIG. 3C, discloses two flaps are pivotally supported in the vicinity of the blade tip of the blade 11 so that they are *independently controlled*. [Col 4, lines 1-5]. As discussed above, the proposed combination of mechanical coupling from *Poccard* with the flaps of *Yamakawa* would ruin the goal and function of *independent control*. The claims are properly allowable.


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Even if the combination were properly made, there are differences between the claimed invention and the teachings of the cited references so that the combination does not meet the limitations of Applicant's claims. The proposed combinations of *Toulmay* (6530542) in view of *Poccard* (4715567) or *Yamakawa* (5639215) in view of *Poccard* (4715567) fail to suggest said trailing edge servo flap selectively deflectable about a trailing edge servo flap pitch axis in a first direction to deflect said trailing edge flap about said trailing edge flap pitch axis in a direction opposite said first direction in response to deflection of said trailing edge servo flap as recited in amended claim 9. Notably, *Poccard* only discloses two effectively identical high lift flaps, an internal flap 5, and an external flap 6, which only deflect downward in unison. Claim 9 is properly allowable.

Applicant believes that no additional fees are due. However, should any additional fees or extensions of time be required, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds P.C.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,
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Dated: February 22, 2005

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